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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91224664
Party	Defendant Chris Chon
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Date	12/10/2015
Attachments	applicants_answer_121015.pdf(221677 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

KIKO S.p.a.

OPPOSER

VS.

CHRIS CHON

APPLICANT

) Opposition No.: 91224664
) Application No.: 86/480,450
) Trademark: KOKIE & design
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Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451 Alexandria, VA 22313-1451

APPLICANT'S ANSWER

Commissioner:

Applicant/Defendant, Chris Chon, in the above noted trademark opposition, responds to the Notice of Opposition, dated April 13, 2015, in the manner indicated below. Applicant has filed app. S.N. 86/480,450, KOKIE & (elephant) design, which is the subject of the opposition.

RESPONSES

- 1a. Applicant admits the allegations of clause 1;
2. Applicant admits that Opposer is an Italian company; however, Applicant lacks information sufficient to form a belief about “internationally renowned cosmetics brand KIKO”, and consequently denies such allegation.
3. Applicant lacks information sufficient to form a belief about Opposer’s advertising, promotional activities, good will, etc., and consequently denies such allegations.
4. Applicant admits the allegation of clause 4;
5. Applicant admits the allegation of clause 5;
6. Applicant admits the allegations of clause 6;
7. Applicant admits the allegation of clause 7;
8. Applicant lacks information sufficient to form a belief about Opposer’s exclusive right to use the registered marks, and consequently denies such allegation;
9. Applicant admits the allegation of clause 9;
10. Applicant lacks information sufficient to form a belief and consequently denies the allegation of clause 10;
11. Applicant lacks information sufficient to form a belief regarding advertising, promoting, and sales of Opposer’s goods and services, and, consequently denies the allegations of clause 11;
12. Applicant denies the allegations of clause 12, regarding confusion, mistake, or deception to purchasers.
13. Applicant lacks information sufficient to form a belief about channels of trade, class of purchasers, etc., and, consequently, denies the allegations of clause 13.
14. With regard to Applicant’s KOKIE mark, Applicant lacks information sufficient to form a belief about deception of the origin, or affiliation, endorsement or sponsorship, etc., and consequently, denies the allegations of clause 14;

15. Applicant admits that the filing date of app. S.N. 86/480,450 is subsequent to the filing dates of Opposer's pleaded registrations;

16. With regard to application SN 86/480,450, Applicant admits that such filing is without license, authorization or permission from the Opposer;

17a. Applicant denies the allegations of clause 17;

RELIEF SOUGHT

Applicant submits that the mark KOKIE & (elephant) design is readily distinguishable from Opposer's KIKO marks in sight, sound, and commercial impression. The distinctions are further highlighted by the presence of an elephant design in applicant's mark. Consequently, the opposition should be dismissed and application S.N. 86/480,450, KOKIE & (elephant) design, should proceed to registration, in due course.

Respectfully submitted,

STEIN IP, LLC

Date: December 10, 2015

By: Martin P. Hoffman
Martin P. Hoffman
Attorney for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that that a true copy of the foregoing ANSWER to the Notice of Opposition, was served on OPPOSER on the 10th day of December 2015, by sending same, via First Class Mail, postage pre-paid, to:

Michael J. Leonard, Esq.
Christopher D. Olszyk, Esq.
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By: Martin P. Hoffman